

**Elliott Bay/Duwamish Restoration Program
1999 Annual Report**

Panel Publication 24
April 2000

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Individuals and organizations needing further information about the Elliott Bay/Duwamish Restoration Program should contact the Administrative Director at the following address and telephone number:

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The Panel of Managers holds regularly scheduled meetings that are open to the public. Technical Working Group and committee meetings are scheduled on an as-needed basis, and are also open to the public. Meetings are generally held at the National Oceanic and Atmospheric Administration, National Marine Fisheries Service - Regional Directorate Conference Room, Building #1, 7600 Sand Point Way NE, Seattle. The Panel recommends that you contact the Administrative Director at the above phone number to confirm meeting schedules and locations. The Panel also holds periodic special evening and weekend public information meetings and workshops.

General Schedule for Panel and Committee Meeting Dates

Panel: quarterly - first Thursday of January, April, July, October from 9:30 A.M. - 12:30 P.M.
Habitat Development Technical Working Group: scheduled as needed.
Sediment Remediation Technical Working Group: scheduled as needed.
Public Participation Committee: scheduled as needed.
Budget Committee: scheduled as needed.

Environmental Review of Specific Projects

Formal hearings and comment periods on appropriate environmental documents for proposed sediment remediation and habitat development projects will be observed. Please contact the Administrative Director for more information.

<p>This information is available in accessible formats on request at (206) 296-0600 (voice) and 1-800-833-6388 (TTY/TDD users only).</p>

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Introduction

On March 19, 1990, the United States filed a complaint for the National Oceanic and Atmospheric Administration (NOAA) acting on behalf of the public as a trustee for natural resources. The complaint was filed under Section 107 of CERCLA, 42 U.S.C. § 9607 (a), to assess and recover damages for alleged injuries to United States' trust resources in Elliott Bay and the Duwamish River. The other natural resource trustees who were parties to the Consent Decree were: the U.S. Fish and Wildlife Service (USFWS), Washington State Department of Ecology (Ecology), The Suquamish Tribe, and the Muckleshoot Indian Tribe. The defendants named in the lawsuit were the Municipality of Metropolitan Seattle (King County) and the City of Seattle (City).

The lawsuit was settled by consent decree on December 23, 1991. The settlement stipulates that King County and the City will provide a combination of cash payments, real estate, and in-kind services with a total value up to \$24 million. Within the \$24-million budget, \$12 million is set aside for sediment remediation projects, \$5 million for habitat development projects, up to \$5 million for acquisition of real estate for habitat development, and up to \$2 million for source control measures in addition to those planned and implemented by the City and County. The Consent Decree and a detailed summary of the settlement appears in the *Elliott Bay/Duwamish Restoration Program 1992 Annual Report*, available from the Administrative Director.

From its inception through the present, the Panel of Managers (Panel) has selected sites for sediment remediation and habitat development activities and engaged in source control activities following substantial public review and comment. The Program's goals, organization, site selection process, public comments, and responses are presented in the *Elliott Bay/Duwamish Restoration Program Concept Document* (Panel Publication 7), published in June, 1994. Descriptions of sediment remediation and habitat development sites are provided in the *Concept Document* and addenda issued in 1996 and 1997.

This annual report (1999) summarizes implementation of the settlement during the eighth year of the Elliott Bay/Duwamish Restoration Program (Program). The report is divided

into five major parts. The introduction provides a discussion of program organization and the geographic area covered by the settlement. An executive summary highlighting 1999 activities in all program areas is presented in the second section. The third section, 1999 Program Chronology, provides highlights taken from minutes of Panel and technical working group meetings. In the fourth section, working group and committee reports describe specific project activities and program developments. The final section provides text of resolutions passed by the Panel during 1999, as well as a report on cash disbursements from the Court Registry account. Appendix A, which includes an organizational chart and listing of Panel participants, is provided for readers who are interested in the Panel organization plan. Appendix B lists the Panel publications issued to date.

Elliott Bay/Duwamish Restoration Program Organization

The Panel was established by the Consent Decree to manage the implementation of the settlement reached between the natural resource trustees and King County and the City of Seattle. The Panel consists of designated voting representatives and alternates from all parties to the Consent Decree. In 1992, the Panel established a Sediment Remediation Technical Working Group (SRTWG), and a Habitat Development Technical Working Group (HDTWG) to advise the Panel. Also established were the Public Participation Committee and the Budget Committee.

NOAA, through its National Marine Fisheries Service - Restoration Center Northwest, General Counsel Natural Resources, and Damage Assessment Center representatives has been delegated by the Panel the duties and responsibilities of "Administrative Director" (Director). The Director manages and maintains the Administrative Record, is responsible for logistics and planning of Panel and Technical Work Group meetings, and for the dissemination of Panel documents and information requests. The Director is also responsible for tracking Panel resolutions and court registry account activity.

The Panel, Habitat Development and Sediment Remediation Technical Working Groups, Public Participation Committee, Budget Committee, and the Administrative Director comprise the managerial, technical, outreach, and administrative components of the Elliott Bay/Duwamish Restoration Program.

The Panel, through the independent actions of individual representatives, works cooperatively and monitors the process of others initiating restoration projects and other developments or policies affecting the Elliott Bay/Duwamish River ecosystem. The Panel has sponsored public meetings and outreach presentations.

Geographic Boundaries

The area encompassed by the settlement includes Elliott Bay eastward of a line between Alki Point and West Point including the shoreline ten meters upland from the mean high water line within Elliott Bay, and the Duwamish River from the river mouth to the head of navigation (see Figure 1). For purposes of habitat development, the covered area includes tributaries to the Duwamish River.

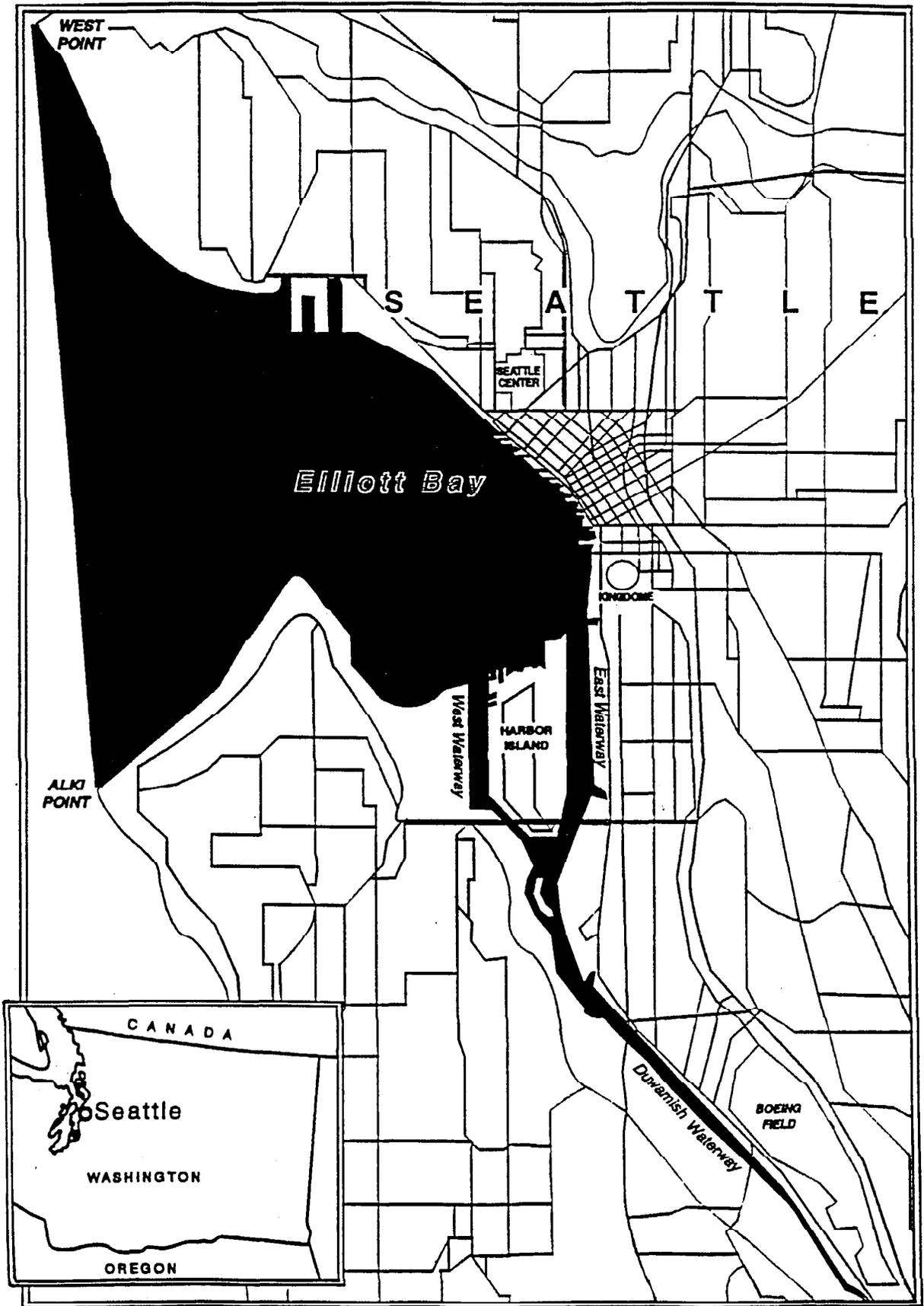


Figure 1. ■ Area Covered by Settlement

Executive Summary

1999 Activities

Project activities in 1999 included additional site selection activities, environmental investigations, cultural resource assessments, acquisition negotiations, design, permit planning, and bidding and construction. Figure 2 provides the location of Panel projects in the area encompassed by the settlement, with the exception of the Porter Levee habitat acquisition site which is located at River Mile 34.5, King County.

Habitat Development

During 1999, the Habitat Development Technical Working Group, chaired by Curtis Tanner of the U.S. Fish and Wildlife Service (USFWS), continued to guide the Panel concerning habitat projects and acquisition of real property for the purpose of habitat restoration.

Monitoring results of the completed Elliott Bay Nearshore Substrate Enhancement Project indicated that the shell, gravel, cobble, and spall subtidal plots are providing habitat to a variety of marine organisms. Restoration project construction at the former Seaboard Lumber site began in the early months of 1999 and connection to the Duwamish Waterway was achieved in the Fall.

Acquisition efforts for a conservation easement for the Hamm Creek project were successfully completed in May, and the Corps of Engineers initiated construction began in August. The intertidal basin was connected to the Duwamish Waterway in early September. Planning for enhanced intertidal wetland areas at the former Kenco Marine site continued, and King County personnel continued planning and permitting efforts for the construction of an intertidal basin at North Wind's Weir, at the Cecil B. Moses Memorial Park.

The Corps of Engineers completed the reconnection of a remnant slough to the river at the Porter Levee site, which was purchased with Panel funds. The working group also

engaged in discussions with People for Puget Sound and partners concerning long term stewardship of the Panel's habitat restoration projects.

Sediment Remediation

During 1999, members of the Sediment Remediation Technical Working Group chaired by Pat Romberg, King County Department of Natural Resources, discussed the Norfolk sediment remediation project and the proposed Duwamish/Diagonal sediment remediation project. The Norfolk remediation was completed in 1999, and entailed dredging up to 9 feet in polychlorinated biphenyl (PCB) "hot spots" and from 3 feet to 6 feet in other less contaminated areas of the site. Results of the first sampling event of a five-year monitoring program were presented in the *April 1999 Project Closure Report* (Panel Publication No. 22).

Working group members discussed bis(2-ethylhexyl)phthalate (phthalates), a seemingly ubiquitous chemical of concern, mercury, and PCBs and evaluated a report concerning potential recontamination of the proposed Duwamish/Diagonal site by phthalates. Phthalates are found in undercoatings of automobiles and plastic coatings. State sediment standards identify phthalates as a suite of chemicals of concern and point of discussion concerning sediment remediation. Discussions with the Department of Ecology in November resulted in preliminary agreement that a clean-up could proceed at the project site on the basis of mercury and PCB removal, given that the proposed project focuses on the improvement of the site even though recontamination by phthalates could occur.

Source Control

Source Control activities are discussed by the Panel pursuant to recommendations made by the City of Seattle and King County Department of Natural Resources in concert with members of the Sediment Remediation Technical Working Group. During 1999, Source Control funds were approved for the evaluation of recontamination potential and completion of the site assessment report for the proposed Duwamish/Diagonal remediation project. Study results were presented and discussed by members of the Sediment Remediation Technical Working Group in September. The evaluation, contained in a report entitled Technical Memorandum: Mass Balance Model, indicated that phthalates would require significant load reduction to meet SQS levels (up to 95% in

one estimate) and that background deposition alone could be high enough to cause exceedences.

Budget Committee

The Budget Committee, chaired by Margaret Duncan of the Suquamish Tribe, was established to assist the Panel and technical working group members in budget development and review of habitat and sediment remediation project scopes, schedules and budgets. The committee also tracks credits to the City of Seattle and King County for real property acquisitions and source control activities. The Consent Decree obligated King County and the City of Seattle to each pay the sum of \$6 million dollars, or a sum of funds that in combination with in-kind services have a total value of \$6 million, into the Court registry account for sediment remediation (Consent Decree, ¶19[a]) and \$2.5 million for habitat development activities (Consent Decree, ¶27) into the registry account from 1992 through 1997. Of the total \$17 million, up to \$2 million could be spent on expenses of Panel functions support (Consent Decree, ¶10[a]), and up to \$3 million could be spent on expenses of planning and design and design support (Consent Decree, ¶10[b]). The Panel reviewed all cost documentation and in-kind service credits for the period 1992-1997 and approved final reconciliation amounts in January 1999.

Through its cash payment of \$6,717,082.00 and in-kind services credits for panel functions support, planning and design, and project implementation totaling \$1,782,918.00, King County fulfilled its \$8.5 million obligation in accordance with the consent decree (Resolutions 1999-01 and 1999-03).

The City satisfied its \$8.5 million obligation through a combination of cash payment of \$8,363,335.83 and in-kind services credits for planning and design totaling \$136,664.17 (Resolutions 1999-02 and 1999-03).

The Consent Decree also provided that King County and the City each make available in-kind services with a value of up to \$1 million dollars to cover the costs of additional actions or changes needed to achieve the Panel's goals and to monitor the effectiveness of such source control efforts (¶14). In January, the Panel approved King County's request for in-kind service credits of \$12,994.00 and the City's request for \$90,242.51.

In addition to contributions for habitat development, sediment remediation and source control, King County and the City each agreed to make permanently available real property with a value of up to \$2.5 million dollars for use as sites for habitat development projects selected by the Panel (Consent Decree, ¶30). Both King County and the City indicated that they anticipated presenting requests for in-kind service credits for Panel approval in the year 2000.

Members discussed the allocation of interest accrued in the Court Registry account between sediment remediation and habitat development activities. In October, the Panel approved the committee's recommendation that the amount of interest accrued as of December 31, 2000 be allocated between the two programs based on percentages used in calculating panel function support contributions (70.6% for sediment remediation, and 26.4% for habitat projects), and that all interest accrued after that date be allocated to the sediment remediation program. Discussion of further means to relieve the sediment remediation planning and design cost pressures were postponed pending the outcome of the Consent Decree amendment process.

Public Participation Committee

The Public Participation Committee, chaired by Margaret Duncan of the Suquamish Tribe, advises the Panel on opportunities for public involvement and education in all Program activities. The committee implements the *Public Participation Plan* (1994), assists with the Administrative Record, annual report, mailing list, and general community outreach activities. Three Panel publications were prepared and distributed in 1999, and presentations at professional meetings and workshops were delivered concerning the Elliott Bay nearshore substrate enhancement project, investigations of resuspension and transport of contaminated sediments along the Seattle waterfront, and other sediment remediation and habitat development activities.

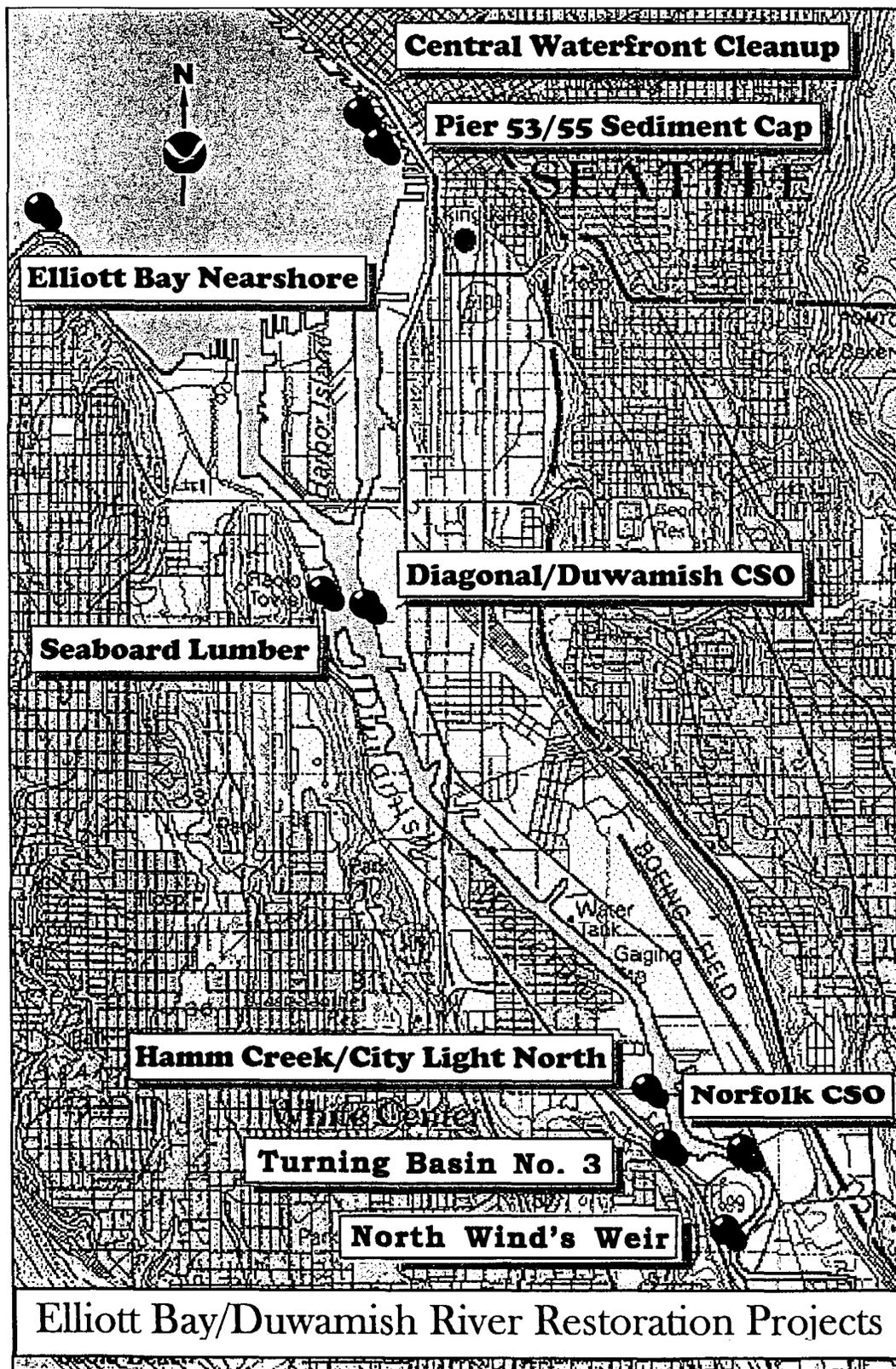


Figure 2.

1999 Program Chronology

January

- Construction of the Seaboard Lumber habitat restoration project continues.
- Conservation easement negotiations continue with Seattle City Light to implement the Hamm Creek restoration project.
- King County continues efforts to acquire real estate for habitat restoration in the upper Green River.
- Bids are received for the implementation of the Norfolk Combined Sewer Overflow (CSO) sediment remediation project.
- Panel Resolutions 1999-01 through 1999-03 are passed. These resolutions finalize accounting of in-kind services and continue the process to amend the Consent Decree.
- EB/DRP members participate in a tour of restoration sites along the Duwamish River hosted by King County.

February

- King County awards the Norfolk CSO sediment remediation project to the General Construction Company, dredging begins on February 3, 1999.
- Easement negotiations with Seattle City Light continue, major progress is made.
- A draft outline for the Intertidal Habitat Projects Monitoring Program is prepared.
- People for Puget Sound presents a project stewardship proposal to the Habitat Development Technical Work Group.

March

- The Seaboard Lumber project demolition and shoreline armoring milestones are met prior to the March 15, 1999 “fish window” deadline.
- An easement agreement with Seattle City Light is signed on March 26, 1999 allowing the implementation of the Hamm Creek aquatic restoration project.
- Norfolk CSO sediment remediation project dredging is completed on March 30, 1999.
- Permit applications for the North Wind’s Weir aquatic habitat restoration project are submitted to the City of Tukwila.

April

- Phase I of the Elliott Bay Nearshore habitat enhancement project is completed. Project monitoring plans are developed.
- King County reports the North Wind’s Weir project will be constructed in the year 2000.

- The Muckleshoot Indian Tribe identifies a design contractor for the Turning Basin No. 3 habitat restoration project.
- The Panel is asked to investigate partnering with the Trust for Public Land, City of Seattle, and the Seattle Art Museum to restore the UNOCAL and Dunn properties as part of a public open-space development project.
- Resolutions 1999-04 and 1999-05 for calendar year 1998 Trustee and Administrative Director reimbursements are approved.
- Discussions are held with the Corps of Engineers regarding possible restoration options at the Loans Levee site.

May

- The Panel declines to participate in the Trust For Public Land proposal after ranking and rating the UNOCAL site.
- King County continues efforts to acquire Green River property for habitat development.
- Appraisals for three acquisition alternatives for the Loans Levee property are completed.
- Panel Publication 20, *1998 Annual Report* is released.
- An easement signing and project kick-off celebration is held on May 18th at the Hamm Creek site.

June

- A draft Norfolk CSO - Sediment Remediation Project "closure report" is distributed
- Hamm Creek project environmental documentation and permit actions are completed.
- The Sediment Remediation Technical Work Group meets to discuss the Duwamish/Diagonal CSO project and source control issues.

July

- Construction of the Seaboard Lumber project continues with contaminated sediment containment and removal activities, and intertidal basin excavation.
- The Consent Decree amendment request is filed with the U.S. Department of Justice at Washington, D.C.
- Resolutions 1999-06 and 1999-07 are approved at a Special Panel Meeting for the Hamm Creek project.
- The Budget Committee is requested to examine the allocation of interest earned in the Court Registry account.

August

- Construction of the Hamm Creek project starts on August 9, 1999.
- A contractor completes the Environmental Assessment document for the Turning Basin

No. 3 aquatic habitat restoration project.

- King County submits an offer for a conservation easement for the Loans Levee property.
- A draft Intertidal Habitat Projects Monitoring Program document is submitted to the Panel for review.
- Resolution 1999-08 is approved at a Special Panel Meeting for the Hamm Creek project.
- Construction of the Porter Levee habitat restoration project starts.
- Panel Publication 21, *Norfolk CSO Sediment Remediation Project Closure Report* and Panel Publication 22, *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program - April 1999 Monitoring Report* are distributed.

September

- The Porter Levee project is completed by King County and the Corps of Engineers.
- Efforts to acquire a conservation easement for the Loans Levee property continues, a verbal acceptance offer is received by King County.

October

- Resolution 1999-09 in-kind service credit for Source Control is approved at a Special Panel Meeting.
- Seaboard Lumber project construction continues on schedule, intertidal basin excavation is completed.
- The King County 2000 budget does not include funds for the construction of the Cecil Moses Memorial Park. The decision is made to construct the North Wind's Weir restoration project independently of the park.
- Technical Memorandum - Mass Balance Model: Duwamish/Diagonal CSO Sediment Remediation Project is released. Efforts continue to complete the Site Assessment Report.

November

- Project monitoring goals, objectives, performance standards and success criteria for Panel intertidal habitat projects are discussed. The EB/DRP Intertidal Habitat Project Monitoring Program document (version 2) is distributed for comments.
- The Consent Decree amendment request undergoes a 30 day public notice period in the Federal Register.

December

- Construction continues at the Seaboard Lumber and Hamm Creek restoration sites.
- The Consent Decree amendment request public notice and comment period closes, no comments are received.

Public Participation Committee 1999 Summary

Chair: Margaret Duncan, The Suquamish Tribe
Telephone: (360) 394-5254

The Public Participation Committee was established by the Panel in accordance with the settlement agreement to assist in the development and implementation of the Panel's Public Participation Plan. The Plan, published in June 1994, provides for public comment, education and involvement in all aspects of the Panel's activities, including project selection and planning, implementation and where appropriate, long-term stewardship. The following objectives were adopted:

- Inform the public about the Panel's Program and its goals, plans and activities;
- Encourage public comment about proposed goals, plans and activities as they are being developed; and
- Involve the public in the Program to the extent possible.

The Public Participation Plan focuses on five areas: meetings; public outreach and education; encouraging environmental review and comment on specific projects; program evaluation; and an administrative record.

1999 Activities

Administrative Record and Annual Report

The 1998 Annual Report was prepared and distributed through the joint efforts of representatives of NOAA and the Suquamish Tribe. Throughout the year, committee members continued to work with NOAA concerning the maintenance of the Administrative Record.

The committee also continued discussions with the Habitat Development Technical Working Group members about the development of interpretive signage and displays concerning habitat functions and values for restoration projects undertaken in the Lower Duwamish.

Public outreach and education efforts included participation in the January 1999 Duwamish River Field Trip for the WRIA 9 Green/Duwamish Steering Committee. The field trip was co-sponsored by the Green/Duwamish Watershed and King County Water and Land Resources Division. Panel members from NOAA, The Suquamish Tribe, and the Muckleshoot Indian Tribe provided background information on the Panel's sediment remediation and habitat restoration projects along the Lower Duwamish River.

Permit, Public Meetings, and Groundbreaking Celebrations

Permit Hearing: North Wind's Weir Project - City of Tukwila Planning Commission.

Groundbreaking: Hamm Creek Estuary, May 18, 1999 at Delta Marine Industries.

M.C. Curtis Tanner, USFWS; speakers: Colonel Conti, U.S. Army Corps of Engineers; NOAA; King County Executive Ron Sims, John Beal, I'M A PAL and the Green/Duwamish Watershed Alliance; Pathfinders School; Concord Elementary School; Cleveland High School.

Presentations

Representatives of Panel members presented aspects of the Panel's projects at professional meetings and workshops as reported below:

Michelsen, T.C., C.D. Boatman, D. Norton et al. 1999. "Resuspension and Transport of Contaminated Sediments along the Seattle Waterfront, Part 1: Field Investigations and Conceptual Model." J. Marine Env. Engg. Vol. 5, pp. 35-36.

Shuman, Randy. Video of Elliott Bay/West Seattle Nearshore Habitat Enhancement Project at a workshop entitled "The Nearshore Environment of King County: The Neglected Link," Dumas Bay Center, Federal Way, sponsored by the Central Puget Sound Watershed Forum, January 1999.

Stark, Kimberle. 1999. "Duwamish Head Habitat Enhancement Project in Elliott Bay, Washington" Estuarine Research Federation '99 Conference, September 25-30, 1999, New Orleans, Louisiana.

Tanner, C.D. and R. C. Clark, Jr. 1999. "Restoration of Habitat Functions in an Urban Estuary: Progress and Lessons from Elliott Bay," Session 5E, Oceans '99 MTS/IEEE Conference, September 13-16, 1999, Seattle, Washington.

Tanner, C.D. 1999. "Restoration of Habitat Functions in an Urban Estuary: Progress and Lessons from Elliott Bay," Society of Ecological Restoration, 11th Annual International Conference, September 23-25, 1999, San Francisco, California.

Publications

During the year, three Panel publications were prepared and distributed:

Publication No 20: *Elliott Bay/Duwamish Restoration Program 1998 Annual Report.*

Publication No. 21: *Norfolk Sediment Remediation Project Closure Report, August 1999.*

Publication No. 22: *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program - April 1999 Monitoring Report.*

Please refer to Appendix B for a full listing of Panel publications.

Budget Committee 1999 Summary

Chair: Margaret Duncan, The Suquamish Tribe
Telephone: (360) 394-5254

The Budget Committee was established by the Panel to assist with annual budget development and status reporting, and the exploration of alternatives and solutions to the limitations posed by the \$3 million planning and design budget (Consent Decree, ¶10[b]). The Committee was also tasked with the development and review of project scopes, schedules and budgets, and summary worksheets for source control and real estate acquisition credits to King County and the City of Seattle in fulfillment of Consent Decree obligations.

1999 Activities

Consent Decree Amendment

At the close of 1997, Panel members agreed unanimously to seek specific amendments to the Consent Decree which would allow the Panel to supplement planning and design funds (capped at \$3 million) with unspent Panel function support funds (capped at \$2 million) and interest earned on monies deposited in the Court Registry account. During 1998, the Panel developed a management plan and project-specific scopes, schedules, and budgets in conjunction with the technical working groups and budget committee. In January 1999, following discussions, deliberations, and resolution of in-kind-service credits and cash payments due under the terms of the Consent Decree, the Panel requested that counsel to the parties to the Consent Decree request that the Department of Justice proceed with the Consent Decree amendment process (Resolutions 1999-03). It was anticipated that the Court would approve the amendments to the Consent Decree by January 2000.

Allocation of Earned Interest

The Consent Decree specifies that interest earned on monies paid into the registry account for habitat development must be spent on habitat project implementation, and that interest earned on monies paid into the registry account for sediment remediation must be used for sediment remediation project implementation (Consent Decree, ¶4[c]). Separate accounts are not maintained for the programs; accordingly, the Panel requested the Budget Committee to provide a recommendation concerning the allocation of interest earned between the two programs.

The amount of interest that had accrued to the Panel's account as of October 1999 was estimated at \$1.2 million. Committee members agreed in October to recommend that the Panel base the allocation on a formula adopted by the sediment and habitat technical working groups in the past

concerning percentage contributions to Panel Function support and technical FTE support, viz., 70.6% for the sediment program and 29.4% for the habitat program. The recommendation prepared for the January 2000 Panel meeting included applying the formula to the total amount of all interest earned and in the court registry account on December 31, 2000. The amount calculated for habitat would thereafter be reserved for habitat projects only, and the amount calculated for sediment remediation would be used for sediment remediation projects only. The method for insuring the availability of the separate allocations, whether by separate account or by tracking by NOAA, would occur in accordance with the advice of the Administrative Director and assigned NOAA staff. It was further agreed that all interest accrued after December 31, 2000 would be allocated and used for sediment remediation projects.

Reconciliation of accounting for King County and the City of Seattle

Under the terms of the consent decree, King County (then Metro) and the City of Seattle each agreed to pay \$6 million dollars in funds and services for the remediation of sediments, and \$2.5 million dollars in funds and services to be applied to the costs of habitat development (Consent Decree, ¶19 and ¶27). Amounts to be paid into the court registry account for years 1992 through 1996 were identified, and in 1997, balances of the required total contribution were due. Required amounts were duly paid into the account, and in January 1999, the Panel confirmed cost documentation and in-kind service credits for the period 1992 through 1997.

A reconciliation of accounting for King County was presented in Panel Resolution 1999-01 concerning in-kind services, credits, source control, real property, and cash payments for the period 1992-1997, as required by the Consent Decree. In-kind service credits totaled \$1,782,918.00, as follows:

Panel Function Support	\$ 63,073.00
Planning and Design	\$1,309,982.00
Habitat and Sediment Remediation project implementation	\$ 409,863.00

King County made a cash payment of \$6,717,082.00 to the court registry account.

A reconciliation of accounting for the City of Seattle was presented in Panel Resolution 1999-02 concerning in-kind services, credits, source control, real property, and cash payments for the period 1992-1997, as required by the Consent Decree. In-kind service credits totaled \$136,664.17, as follows:

Panel Function Support (no request)	\$ 0
Planning and Design (Pier 53/55 and Central Waterfront)	\$ 136,664.17
Habitat and Sediment Remediation project implementation (no request)	\$ 0

The City of Seattle made a cash payment of \$8,363,335.83 to the court registry account.

Source Control: In-kind service credits

As part of the settlement agreement, King County (then Metro) and the City of Seattle each agreed to make available in-kind services with a value of up to \$1 million to engage in any activities needed to preserve natural resources and prevent recontamination of sites selected for sediment remediation or habitat development in the Panel's covered area (Consent Decree, ¶34). The Panel approved requests for source control in-kind service credits as follows: King County: \$12,994.00 (Resolutions 1999-01 and 1999-03), and the City of Seattle: \$90,242.51 (Resolutions 1999-02 and 1999-03).

Credit for the Acquisition of Real Property Interests

Under the terms of the settlement agreement, King County (then Metro) and the City of Seattle each agreed to make real property with a value of up to \$2.5 million permanently available for habitat projects selected by the Panel. Panel members anticipated receiving a formal request for full credit, including appropriate documentation, early in the year 2000. The City anticipated submitting a full request for its \$2.5 million contribution with the purchase of the Seaboard Lumber site for habitat development. King County anticipated submitting a request for full credit towards its \$2.5 million contribution with the purchase of real property interest in sites along the Lower Duwamish River and the Green River (Please see Habitat Development Technical Working Group Summary).

Program Budget Summary Worksheets

Throughout the year, the committee continued the process of ensuring that budget summary worksheets for each program element were updated. Readers are referred to the Habitat Development section for the real estate acquisition budget summary and to the Source Control section for the source control budget summary.

Cash Disbursements from the Court Registry Account

During 1999, the Panel approved \$57,309.90 (Resolutions 1999-04 and 1999-05) for Panel Function support costs associated with Trustee personnel participating in Panel activities; salary and expenses for an Administrative Director; and costs associated with administering the Court Registry Account (see page 51).